

Art Unit: 2134

REMARKS:

Reconsideration is respectfully requested in respect to comments in paragraph 2. of the Patent Office's Office Action Summary responding to communications filed on 24 July 2003 regarding non-compliance with one or more conditions for receiving the benefit of an earlier filing date; i.e. the filing date of 24 July 2003 is after the official date of abandonment of 7 July 2003.

Seeing that the submission of 27 January 2003 was marked Final by Gail Hayes, Supervisory Patent Examiner, signed 7 April 2003, and forwarded on the 9 April 2003, an amendment was prepared to CIP 10/054,396 and forwarded June 5, 2003 well before the official abandonment date of 7 July 2003. This submission was replied to again by Gail Hayes and signed by her on 18 June 2003, again well before the official abandonment date stating that the proposed amendment would not be entered because they raise new issues that require further consideration.

Based on this a new specification, and new claims, were prepared and submitted, along with a new application fee on 24 July 2003. This date was well before the prior mandatory reply date of 90 days given in all previous communications from the Patent Office.

In my application letter, I quote, "This application is a Continuation In Part C.I.P.) of Application Serial Number 10/054,396 filed January 24, 2002, now abandoned, which in turn was a C.I.P. of Application Serial Number 09/429,087 filed October 29, 1999, now abandoned." unquote. The date of this letter is 21 July 2003.

September 20, 2004

Signature


Joseph S. Incarnato